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ATTORNEY FOR PLAINTIFF
United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. \$36,750.00 in U.S. Currency, Defendant.	CV 20-____-GF-____ VERIFIED COMPLAINT FOR FORFEITURE <i>IN REM</i>
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Plaintiff, United States of America, by and through Victoria L. Francis, Assistant United States Attorney for the District of Montana, brings this complaint pursuant to Supplemental Rule G(2) of the Federal Rules of Civil Procedure. The Plaintiff states and alleges as follows:

NATURE OF THE ACTION

1. This is an action to forfeit and condemn to the use and benefit of the United States of America, United States currency in the amount of \$36,750.00 (hereafter defendant currency) for violations of 21 U.S.C. §§ 841 *et seq.* and 843(b).

JURISDICTION AND VENUE

2. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant currency under 21 U.S.C. § 881. This Court has jurisdiction over the action commenced by the United States under 28 U.S.C. §§ 1345 and 1355(a).

3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1355(b)(1)(B) and 1395(b) because this is a civil proceeding for the forfeiture of the defendant currency that was found in Cascade County, Montana.

FACTS

4. On May 12, 2020, employees at the post office in Great Falls noted several suspicious parcels that were being mailed from California to Great Falls, Montana. The parcels stood out to the post office employees because they were addressed to the Royal Motel in Great Falls, Montana, were sent as overnight mailings, and there had been several in recent weeks. Each time the postal employee went to deliver the USPS Express parcels to the Royal Motel, the employee observed many “seedy” individuals waiting at the hotel at the time of the delivery. On days when

the postal employee delivered routine mail to the Royal Motel, the postal employee did not see these same individuals.

5. On May 12, 2020, U.S. Postal Inspector (USPI) Walt Tubbs informed the HIDTA Russell Country Drug Task Force in Great Falls, Montana, about numerous suspicious packages that were being delivered to the Royal Motel located at 1300 Central Ave in Great Falls, MT 59401.

6. That same day, on May 12, 2020, the post office informed USPI Tubbs they had identified a parcel with tracking number EJ216 564 827US that had been sent from California to Great Falls, Montana, and had arrived for delivery in Great Falls. The parcel contained sender information of Sue Willer, from Desert Hot Springs, California, and recipient information of Joe Willer, Royal Motel, Great Falls, MT. The parcel had a listed weight of 1 pound 12 ounces and carried \$42.75 in postage. The parcel was mailed from the Desert Hot Springs, CA 92240, post office on May 11, 2020, at 11:57 a.m.

7. On May 12, 2020, USPI Tubbs researched the sender name of “Sue Willer” at the address listed on the parcel utilizing law enforcement databases. USPI Tubbs was unable to find any “Sue Willer” associated to an address in Desert Hot Springs, CA. The address on the package is a valid address per the postal service databases.

8. On May 12, 2020, USPI Tubbs researched the recipient name of “Joe Willer” at the address listed on the parcel and was not able to find any “Joe Willer” at any address in Great Falls, Montana. USPI Tubbs contacted Russell Country Drug Task Force Detective, Jason Mitchell, and relayed the information regarding the parcel to him. Det. Mitchell was not able to locate any information relating to “Joe Willer” utilizing law enforcement databases available to him.

9. On May 12, 2020, USPI Tubbs researched postal databases for parcels shipped to the Royal Motel in Great Falls, Montana, and found that over the past twelve months, there have been approximately 20 Express or Priority parcels shipped to the Royal Motel from Desert Hot Springs, California; Banning, California; North Palm Springs, California; and Beaumont, California. USPI Tubbs noted that each of these cities are located within approximately 30 miles of each other.

10. From his training and experience, USPI Tubbs knows that shippers of illegal substances typically want their parcels to move through the mail stream quickly and utilizing the Express postage (overnight) option, helps to achieve that goal.

11. USPI Tubbs also researched the postage payment method for the parcel identified by the Great Falls post office on May 12, 2020, and learned the

parcel had been paid for in cash. In his training and experience, USPI Tubbs knows it is common for shippers and buyers of illegal substances to want to remain anonymous and paying postage with cash is a way to remain anonymous.

12. On May 12, 2020, Cascade County Deputy Lindland and his K9 partner, Dutch, responded to the post office to conduct a sniff on the parcel. Prior to the K9 arrival, officers laid out the parcel with five other parcels some distance from each other. Deputy Lindland was not made aware of which parcel was believed to be the suspect parcel. The K9 did not indicate or alert to the parcel. USPI Tubbs is aware through training and experience that individuals who ship illegal narcotics go to great length to conceal the narcotics from detection, which includes wrapping or securing the illegal narcotics in substances that may conceal a smell or detection. This may include adding coffee grounds, cinnamon, vacuum sealed bags, wax paper, and other variants to the packages to avoid detection by a K9 search.

13. On May 12, 2020, the parcel with tracking number of EJ216 564 827US, was turned over to the post office and the post office delivered the parcel to the Royal Motel. Members of the Russell Country Drug Task Force were present in the area conducting surveillance during the delivery.

14. On May 22, 2020, a parcel with tracking number of EJ353 730 849US

arrived at the Great Falls, Montana, post office for delivery. This parcel had sender information of Lisa Willer, Desert Hot Springs, CA 92262, and recipient information of Joe Willer, Royal Motel, Great Falls, MT 59401. The parcel had a listed weight of 2 pounds 14 ounces and carried \$53.75 in postage and was mailed from the Desert Hot Springs, CA 92240, post office on May 21, 2020 at 11:50 a.m.

15. On May 22, 2020, USPI Tubbs researched the sender name of “Lisa Willer” at the address listed on the parcel utilizing law enforcement databases and was not able to find any “Lisa Willer” associated to that address. The address is a partially valid street address as per postal service databases, however, the address is missing the associated apartment number for accurate delivery and the zip code listed on the parcel is incorrect. The parcel lists the zip code of 92262, but the correct zip code for the sender address is 92240. The zip code of 92262 belongs to Palm Springs, California. Desert Hot Springs, California, and Palm Springs, California, are approximately 12 miles from each other. USPI Tubbs used postal service databases to research the sender address and learned there is no such address in Palm Springs or Desert Hot Springs, California. USPI Tubbs also researched the postage payment method for the parcel and learned the parcel had been paid for in cash.

16. In USPI Tubbs’ training and experience it is common for shippers and

receivers of illegal substances to use fictitious names or variations of real names in order to try and avoid detection, as opposed to using legal names. USPI Tubbs also know that it is common for shippers of illegal substances to use false addresses or addresses that are valid addresses, but for which the shipper has no actual association, so they can remain undetected.

17. On May 22, 2020, Cascade County Deputy Whitsitt and her K9 partner, Zeke, responded to the post office to conduct a sniff on the parcel. Prior to the K9 arrival, law enforcement placed the parcel with five other parcels that were some distance from each other. Deputy Whitsitt was not made aware of which parcel was believed to be the suspect parcel. The K9 did not indicate or alert to the parcel.

18. On May 22, 2020, USPI Tubbs acted in an undercover capacity as a USPS letter carrier and delivered the parcel with tracking number of EJ353 730 849US. USPI Tubbs attempted to deliver the parcel to the hotel door #114, the door number listed on the parcel address, but no one answered the door. USPI Tubbs then went to the front desk of the Royal Hotel and told the front desk employee and USPI Tubbs asked if Joe Willer was in this room. The hotel employee confirmed there was a Joe Willer in the room. The hotel employee attempted to phone room #114, but no one answered the phone. USPI Tubbs left

the parcel with the hotel employee, who stated he would hold the parcel until it was retrieved by the recipient. Leaving parcels and mail at the front desk of a hotel is the normal routine of the post office. It is not typical for the post office to attempt delivery to individual hotel rooms.

19. Meanwhile, members of the Russell Country Drug Task Force were conducting surveillance on the Royal Motel and Room #114. Detectives watched the room to see if anyone came or went from the room. Just prior to USPI Tubbs' delivery of the package to Room #114, an unidentified black male left the room. Detectives observed he was wearing an Adidas hoodie and matching sweatpants. The male got into a white Ford Taurus and left the area.

20. Detectives, shortly thereafter, observed the same white passenger car arrive back at Room #114. The male in the hoodie and sweatpants went to the main office, collected the parcel and went back to Room #114. Approximately 45 minutes later, detectives observed the male leave his room and get back into the Ford Taurus. Detective Araujo and Detective Hunt followed the Ford Taurus and saw the male pick up another man approximately two blocks from the Royal Motel. The Ford Taurus then went another three blocks and the man, the passenger, who had just gotten into the Ford Taurus got out. Law enforcement believes that a drug transaction likely occurred in the car, based on the receipt of

the parcel, the quick turnaround back to the car, and the very short interaction between the male from the Royal Motel room and the passenger he picked up on the street. It appeared to all be prearranged.

21. The male then went back to Room #114 and then left the room, again, about 30 minutes later. Detectives watched him walk down an alley, continued on a few blocks, and then return to the hotel. The detectives believed the male may have previously spotted the detectives and was conducting counter-surveillance. The detectives took several photos of the male during this time.

22. On May 26, 2020, Detective Araujo and Sgt. Mitchell went back to the Royal Motel and spoke with the owner, who was the employee that took receipt of the package. The owner stated that he only knew the suspect as “Joe” and had no additional information. The owner recently purchased the Royal Motel on May 1, 2020, and “Joe” was already a tenant at the motel. The owner said “Joe” paid in cash and had no credit card or identification on file. USPI Tubbs is aware that people who stay at motels and engage in drug distribution, often pay in cash and provide very little identifying information to motels. They also typically avoid motels that require identification or credit cards as forms of payment. The motel owner then told the detectives that there was a car parked on the property that did not have a license plate and he wanted it removed. This car was not the white Ford

Taurus. The owner provided Sgt. Mitchell with a vehicle identification number (VIN) and Sgt. Mitchell learned it was registered to Garrick Woolfolk.

23. On May 27, 2020, around 1:00 pm, Detective Araujo was arriving at work and saw the same white Ford Taurus drive by. Det. Araujo immediately recognized the driver as the same male who was the occupant of Room #114 at the Royal Motel on May 22, 2020, and who he had followed near the motel. Detective Araujo watched the man get out of the Ford Taurus and go into the Great Falls Post Office located at 215 1st Ave. N. with a package.

24. Detective Araujo immediately contacted the Great Falls Police Department in an effort to identify the male. The male came out of the post office and got into the Ford Taurus and drove down the street. A Great Falls police officer observed the man commit a traffic violation and stopped the Ford Taurus. The officer identified the driver as Garrick Yarnell Woolfolk with an address in Banning, California. Officers then concluded the traffic stop and Woolfolk left.

25. Meanwhile, Detective Araujo contacted the post office and went inside to identify the package that Woolfolk had just dropped off. The postal employees found the parcel and determined it weighed 28.14 pounds. The sender is identified as Garrick W., and the delivery address is on Hargrave St. in Banning, California. The parcel cost \$176.40 to send to California.

26. Detective Araujo requested for a Cascade County Sheriff's Office K-9 Deputy and K-9 to meet him at the United States Postal Office, 215 1st Ave. N., Great Falls, MT. Prior to the K-9 Deputy's arrival, law enforcement laid out several packages, including the subject parcel, in a separate area away from post office employees and customers. Cascade County K-9 Deputy Whitsitt arrived at the location with her K-9 partner Zeke, a trained and certified narcotic detecting K-9. Deputy Whitsitt deployed K-9 Zeke off leash and stayed at the door frame, letting Zeke detail the room where the packages were laid out. Zeke provided a close-mouthed sniff and a sit, which provided a final alert on the priority 2-day package belonging to Garrick W, Hargrave Street, Banning, California 92220. The parcel was secured pending receipt of a search warrant.

27. On May 28, 2020, Detective Araujo, assisted by Sgt. Mitchell, executed a search warrant on the parcel. The parcel contained several pairs of men's shoes and clothing, both new and used. A vacuumed sealed package was located inside a pair of blue pants. The package had multiple layers of carbon paper and vacuum sealed bags. It is believed that the carbon paper was being used to conceal the money, as it can distort or blur images when going through an x-ray machine. The package contained \$20,000.00 in U.S. currency in \$100 and \$20 dollar bills.

28. A second, similarly sealed package was located in a white draw string bag with the logo “Bally” on it. The second package contained \$16,600.00 and was comprised of \$100’s, \$50’s, \$20’s, and \$10 dollar bills. An additional \$150.00 in U.S. currency was located in the sleeve pocket of a black jacket.

29. Based upon the way the currency was packaged and the positive alert of the K-9, it is believed that Woolfolk was involved in criminal activities, particularly the distribution of dangerous drugs. A search warrant was applied for and obtained for the search of Woolfolk’s room at the Royal Motel.

30. On May 29, 2020, the search warrant was executed. Agents from the Russell Country Task Force presented the search warrant to the front desk and obtained a key from the front desk to Woolfolk’s room. After entering the room, it was determined that Woolfolk was not present. Detective Araujo and Sergeant Mitchell remained in the room to conduct the search while the other agents conducted surveillance on the property. The following items were located in the room that Woolfolk was staying in:

- A vacuum sealer and roll of heat seal bags (the same brand used to package the currency located in the parcel);
- Clear plastic gloves (commonly used to handle large quantities of dangerous drugs);

- A shoe box in the closet containing ammunition of various ammunition;
- A black nylon holster located in one of the dresser drawers;
- An empty pistol magazine;
- A large glass jar containing a green leafy substance believed to be marijuana was located under the kitchen sink;
- A glass marijuana pipe on the living room side table;
- A black digital scale in the kitchen drawer;
- A silver digital scale in the bedroom nightstand; and
- 15 grams of methamphetamine in the kitchen freezer.

After the search of the room was complete, a copy of the search warrant and search warrant evidence inventory form were left in the room and the room was secured.

The key was returned to the front desk.

31. The facts set forth above, support probable cause that the \$36,750.00 in U.S. currency constitutes or is derived from a violation of 21 U.S.C. §§ 841 and 843(b). The currency seized constitutes monies furnished or intended to be furnished in exchange for a controlled substance, in violation of 21 U.S.C. § 841, *et seq.* and 843(b).

32. The United States Marshals Service has possession, custody and control

of the Defendant property.

CLAIM FOR RELIEF

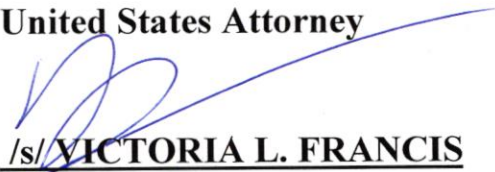
33. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 32 above.

34. The defendant currency constitutes monies or other things of value furnished or intended to be furnished in exchange for a controlled substance, and/or were used or intended to be used to facilitate one or more violations of 21 U.S.C. § 841, *et seq.* and 843(b).

35. As a result of the foregoing, the defendant currency is liable to condemnation and forfeiture to the United States for its use, in accordance with 21 U.S.C. § 881(a)(6).

DATED this 28th day of October, 2020.

KURT G. ALME
United States Attorney


/s/ VICTORIA L. FRANCIS
Assistant U.S. Attorney
Attorney for Plaintiff

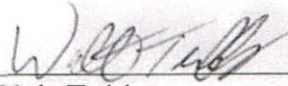
VERIFICATION

I, United States Postal Service Inspector, Walt Tubbs, declare under penalty of perjury that I am an Inspector with the U.S. Postal Service (USPS). I have read the foregoing Verified Complaint *in Rem*, and know the contents. The matters contained in the complaint are true and correct. They are based on either my personal knowledge, or alleged on information provided, and I believe those matters to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, including Great Falls Police Department, as well as my own investigation.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated this 22 day of October, 2020.



Walt Tubbs
Postal Service Inspector
U.S. Postal Service

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Victoria L. Francis, United States Attorney's Office
2601 2nd Avenue North, Suite 3200, Billings, MT 59101
406-247-4633

DEFENDANTS

\$36,750.00 in U.S. Currency

County of Residence of First Listed Defendant Cascade
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

21 U.S.C. §§ 841et seq. and 843(b)

Brief description of cause:

Forfeiture of Currency

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

10/28/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ VICTORIA L. FRANCIS, ASSISTANT U.S. ATTORNEY

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.